

son, Transylvania, Haywood, Macon, Jackson, Swain, Cherokee, Clay, Graham, Yancey, Mitchell, Burke, Polk, Wilkes, Alleghany, Ashe, Stokes, Harnett, Watauga and Surry, by and with the advice and in consultation with the justices of the peace of the different townships of said counties shall have power and they are hereby required to classify the public roads in their respective counties from time to time as they may deem fit, in respect to the width thereof, designating in a first class, such roads as shall be of the width of sixteen feet, and in a second class such roads as shall be of the width of twelve feet, and in the third class such roads as shall be of the width of ten feet, and when such roads shall be so classified the same shall continue to be the public roads in said counties and shall continue to be kept in repair except as to width as modified by this act as now required by law.

Commissioners of certain counties (in conjunction with the justices of the peace) to classify public roads.

First class.

Second class.

Third class.

To continue and be worked as public roads.

SEC. 2. That when it shall appear to the said commissioners and justices of the peace that any part or parts of any road cannot be made and kept up to the full width of the class in which said road has been placed without great labor and expense then they shall have the authority to allow said part or parts to be made of less width so as to meet the actual necessities of travel over said road: *Provided, however*, that the width in such localities shall never be less than roads of the third class as herein provided except when the location is through solid rock.

Authority in certain cases to make part of road of less width than its class.

Proviso.

SEC. 3. It shall be the duty of the clerk of the board of county commissioners within ten days after such classification shall have been made in any of said counties to certify under his seal of office to the board of supervisors of public roads in each township of the county or to the overseers in such counties as have no supervisors of public roads, a copy of such classification for the whole county, and take a receipt for the same and file in the papers of his office in respect to roads, and if any such clerk shall refuse or neglect to do so he shall be deemed guilty

Clerk of commissioners to certify classification of roads to township board of supervisors of roads, &c.

Failure of clerk a misdemeanor.